

**BOROUGH OF WIND GAP
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The Council meeting of the Borough of Wind Gap on Tuesday, November 22, 2022 was called to order at 7:00 p.m. by President George Hinton, at which time he reminded those present that the meeting was being recorded. In attendance were Council members Steve Bender, Dave Manzo, Patrick Webber, and Jeff Yob. Also, in attendance were Mayor Wesley J. Smith, Borough Solicitor Ronald Karasek, Borough Engineer Brian Pysner, and Borough Manager Louise Firestone. Absent were Councilmen Alex Cortezzo and Dave Hess.

PUBLIC COMMENT

1. A Wind Gap Borough resident came before Council to inquire about the legal paperwork that was received by residents associated with the Beer Stein property. The current owner, Kerry Gassler, sent out registered mail to 408 property owners indicating that they could be sued. The resident would like Council to explain why this is happening. Attorney Karasek stated that it is his understanding that Mr. Gassler wants to do some work with his property, either close the alleys or streets that are adjacent to or along his property. In order to do that he would have to notify all the property owners on the original 1910 Doc Keller subdivision plan because when they bought their property, they were relying on that road to be open and if it is closed or shut down, they would not be able to get to their property. George Hinton added that from his understanding, that property borders Center Street and Wood Street. He added that Council did discuss this topic at a previous meeting and it was the consensus of Council to take no action because it is a consolidation of existing properties in order for Mr. Gassler to sell his property. Attorney Karasek stated that the determination is whether or not the streets, alleys or easements areas are going to be averse to any property owner or additionally to the Borough. Attorney Karasek advised that anyone who received the legal paperwork should consult with an attorney to have their specific questions answered.

2. Adrienne Fors, Sr. Community Relations Specialist, Waste Management. Ms. Fors reported that currently at Grand Central Sanitation (GCS) Landfill 2,400 tons of trash a day is being taken in and a liner is being installed at cell 18. She will be posting a video online sometime next week to further explain and educate how the liner protects the ground water. WM may have another video coming out that is going to be a Landfill Animation video to share information and education around the facility. Adrienne provided an invitation to Council to attend a ceremony next week announcing WM's support of the September 11th National Memorial Trail Alliance with a generous check donation of \$50,000. WM has a total of 37 facilities that intersect at some point along the 911 Memorial Trail from New York City to Washington, DC. Also, Grand Central will be partnering with Northampton County on the Northern Tier Trail that will tie in with Plainfield Township's trail and the 911 Memorial Trail which is expected to come down through this area with the trails intersecting at their main entrance off of Rt 512.

APPROVAL OF MINUTES

On motion by Dave Manzo to approve the November 1, 2022 minutes and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

NEW BUSINESS

1. Approval of No-Nonsense Neutering Agreement Approval

On motion by Dave Manzo to approve the 2023 Animal Control Contract for Cats with No-Nonsense Neutering and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

2. Approval of RRS – E Waste Recycling Event Invoice - \$1,970

On motion by Jeff Yob to approve payment for Responsible Services, LLC in the amount of \$1,970 the and seconded by Patrick Webber. Roll call vote taken. Council agreed unanimously.

3. Approval 2023 Pibbles Paws Safe Haven ACO Agreement

On motion by Jeff Yob to approve the 2023 Animal Control Contract for Dogs with Pibbles Paws Safe Haven and seconded by Dave Manzo. Roll call taken. Council agreed unanimously.

4. PA One Call System – Service and Membership Agreement Approval

On motion by Jeff Yob to approve the Service and Membership Agreement with PA One Call System and seconded by Patrick Webber. Roll call taken. Council agreed unanimously.

OLD BUSINESS

1. JERC – Release of Securities – Brian Pysher reported that Council tabled this last month because the finalized agreement that details what maintenance is required of the emergency access had not been received. We did receive a clean copy that Attorney Karasek reviewed and approves the language of the agreement. This was executed on the developers end. At this point Borough Council President needs to execute the other half and we will have the applicant record it. He recommends that we release the securities under the condition that we receive the 15% Maintenance Securities.

On motion by Dave Manzo approve the Release of Securities for JERC and seconded by Jeff Yob. Roll call vote taken. Council agreed unanimously.

2. JERC – Emergency Access Maintenance Agreement – Brian Pysher reported that he drafted a letter with the maintenance requirements as Borough Council requested. The developer has executed the agreement so now Council has to approve the Maintenance Agreement and sign the document. The developer will pick-up the document and have it recorded at the courthouse.

On motion by Jeff Yob to approve the Emergency Access Agreement with JERC and seconded by Patrick Webber. Roll call taken. Council agreed unanimously.

3. Verizon Cell Tower Update - Attorney Karasek reported that a ZOOM meeting was held yesterday. Those attending were Verizon attorney, Kate Durso, Verizon representative, Sue Manchel, Borough Engineer, Brian Pysner, Borough Manager, Louise Firestone and himself to discuss the issue of subdividing a portion of Borough property for the construction and erection of a cell tower. As previously stated, Attorney Karasek's concern was if the Borough does not sub-divide the lot where the cell tower would sit, there is the possibility that Northampton County could declare that taxes must be paid for the entire parcel of land because now it is considered a commercial property. Attorney Kate Durso, representing Verizon, produced a number of cases along with a PA Supreme Court Case that determined that leasing property is not subdividing or land development. Based on case law, Verizon is of the belief that they do not have to sub-divide the parcel or have land development. At the conclusion of the meeting, Verizon agreed to confirm with Northampton County that if the cell tower parcel was assessed the County would not reassess the entire municipal property and remove the tax-exempt status. Attorney Karasek stated that he would want confirmation of this determination in writing from the County and then confirm in the lease agreement that if there is a tax, it would be for their portion of land and Verizon would be financially responsible for the real estate property tax bill. Although there is case law, Verizon must still proceed with the special exception use of a cell tower as outlined in the borough ordinance. Verizon will appear before the Planning Commission on December 1st for review and recommendation and the Zoning Hearing Board on January 4, 2023 for a decision. Brian said the only thing he brought to their attention was the easement. There was general verbiage in the agreement about a 12-foot easement, but the plans have to include specific easement language.

4. 2023 Wind Gap Borough Budget – Council did have some discussion regarding the necessity of increasing the millage rate for 2023, but it was determined that further information and review of the budget needed to occur.

On motion by Dave Manzo to table the Draft 2023 Wind Gap Budget discussions until the December 5, 2022 meeting and seconded by Patrick Webber. Roll call taken. In favor: G. Hinton, D. Manzo, P. Webber. Opposed: S. Bender, J. Yob. Motion carried: 3- 2.

5. CRG – George Hinton wanted to inform Council that several residents expressed concern about the proposed warehouse development in Plainfield Township and a previously unknown proposal of a cul-de-sac at the north end of Alpha Road on the old Cramer's property. At a recent Plainfield Township meeting, the engineer for CRG presented an updated plan and informed those present that Wind Gap Borough had requested that the plan include the cul-de-sac. George wanted everyone to understand that no one from Borough Council or Wind Gap Planning Commission had discussed or recommended that a cul-de-sac be designed and included in CRG's plan at any meeting held by the borough. It appears that the developer's engineer included the cul-de-sac prior to submission of the plan to PennDOT. To date, CRG has not received recommendation for any plan from Wind Gap Borough's Planning Commission or any plan approval by Wind Gap Borough Council.

ZONING OFFICER'S REPORT

Suzanne Borzak reported that she received the Chicken Ordinance from some neighboring municipalities. She thinks that our current regulations work, but she did come up with some other current regulations. She does not believe the Zoning Ordinance should be changed, but that a standalone ordinance that regulates animals which would allow up to four (4) chickens, but no roosters be created. All of the chicken problems are based upon neighbor

complaints which now include concerns about the Avian Flu and the noise related to roosters crowing that disturb the peace. George asked what Council wishes, should we draft an ordinance? Steve Bender recommended making an amendment to the existing ordinance that allows chickens and not roosters. Also, include that chicken coops must be 50 feet away from property lines, but he will not agree to setting a specific number of chickens. He re-iterated that there are no problems in Pen Argyl and this ordinance has been for two years now. Suzanne said that the chicken should be contained. Jeff agreed with Steve, no roosters, no permit required, must be confined and no limit on number of chickens. Suzanne recommends 50 feet away from a neighboring house and should it be based on the size of the lot. Dave Manzo asked if they would need a specific amount of square feet per chicken. Steve said you need three to five square feet of roosting space and 10 square feet of range space per chicken. Jeff requested that Council have something drafted that replicates the Pen Argyl ordinance for the next meeting.

COMMITTEE REPORT

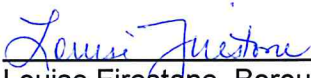
A written committee report was provided to Mayor Smith and Council. No questions or concerns were heard at this time.

Mayor Smith's Report

Mayor Smith reported that the Slate Belt Council of Governments received a grant to purchase a camera system for storm pipes and they having been attempting to coordinate a training date for all municipalities to be available, the training is tentatively scheduled for February 2023. The COG passed their budget at the last meeting. Their next meeting is scheduled for January 25, 2023.

ADJOURNMENT

On motion by Jeff Yob to adjourn the meeting of November 22, 2022. Council agreed unanimously. The meeting of November 22, 2022 adjourned at 8:17 p.m.


Louise Firestone, Borough Manager